JUST WHAT THE NEW JERSEY COURT HOLDS IN BOND CASE.

The "Manner" in Which Plan Was Carried Out the Business of the Corporation The Scheme Within the Purview of the Corporation Act of 1896.

TRENTON, N. J., Oct. 11.-Justice Van Syckie to-day filed the opinion of the Court of Errors and Appeals in the case of Mrs. Mirian Berger against the United States Steel Corporation, in which the court recently ordered set aside the injunction restraining the company from converting \$200,000,000 of preferred stock into bonds. The opinion construes several sections of the Corporation act, and says that the most liberal interpretation must be given to those sections providing for the retirement

of stock. After reciting the facts connected with the litigation Justice Van Syckle says:

'In presence of the fact that more than 99 per cent, of all the stockholders in attendance at the meeting personally or by proxy voted in favor of the resolution for conversion, it cannot reasonably be expected that the Court is impressed with the belief that the complainant will suffer any substantial injury by the consummation of the scheme. Nevertheless, if it appears that the proposed action is without legal authority, the complainant cannot be denied the relief she seeks, but in passing upon this controversy the greatest care must be observed that this overwhelming majority of the shareholders are not deprived of their rights by the very few dissentients."

The question to be solved, Justice Van Syckle says, is whether the act concerning corporations in connection with the certificate filed under it contains a grant of power to retire stock in the manner adopted by the board of directors. The act provides that the act itself and all its amendments shall be a part of every corporation formed under it, and the opinion, therefore, holds that the complainant has no vested right to retain her shares of stock in opposition to any lawful method provided for retiring them. Nor under the provision of the act can any just basis be found for the the assertion that her vested rights as a stockholder are impaired by the purchase by the corporation of its own shares of

The opinion enumerates several ways in which stock may be retired by a vote of twothirds in interest of each class of stockholders. They are: (1) By retiring or reducing any class of stock. This is compulsory and must operate equally upon all holders; (2) By lot, and this is also compulsory, (3) By surrender of shares and the ssue of a less number of shares pro rata; (4) By the purchase at not above par of certain shares for retirement; (5) By retiring shares owned by the corporation; (6) By reducing the par value of shares.

opinion continues: it is important to notice that this legislation favors the capacity of corporations to retire their shares by a two-thirds vote of the stockholders thereof, as it has provided every available way in which it can with any degree of facility be exercised. is insisted, on behalf of the complainant, that the resolution of the com-plainant, that the resolution of the direc-tors does not, within the meaning of the twenty-ninth section of the Corpora-tions' act, provide for the purchase of cer-

tain shares for retirement. The alleged infirmity is that the transaction eview is not substantially the purchase of certain shares,' and that the amount of the decrease, and the number of shares which may be purchased if the scheme is permitted to be acted upon will be cer-tain. The resolution declares that the directors desire to retire 2,000,000 preferred shares, and to that extent the holders of the stock shall consent thereto that number of shares will be retired out of the bonds or proceeds of the bonds.

"The words 'certain shares' cannot be ensured to mean that particular shares shall be designated, or that the names of the holders thereof shall be specified. That would give the majority the power to make an unjust discrimination by selection against the minority, who might desire to accept the bonds, and cannot reasonably

The resolution could do no more than declare what number of shares the company desired to retire, and if the failure to acquire by purchase the whole number rendered the undertaking futile, the two thirds of the consenting stockholders could be deprived of the right given them by the statute to retire by purchase, by the act of a single dissentient. It would manifestily be in contravention of the purpose of the statute to construe it in that way and would practically strike out of the twenty-ninth section one of the modes perscribed for retiring the stock.

The Corporation act gives express power to retire shares by purchase, and that pro-vision must be read in the certificate of incorporation under and subject to which the complainant holds her stock. It can-not, therefore, be plausibly maintained that shares cannot be purchased for re-

without authority to issue bonds with which, or with the proceeds thereof, it pur poses to effect the purchase. There is no provision in the Corporation act or in the charter of the company to support the propo-sition that purchases of its stock cannot be made by it on credit. On the contrary, as has been shown, the company has power to buy its own shares and that power is given to it in the same terms and as broadly as the granted authority to purchase other personal property. No limitation is in this respect placed upon it which does not apply equally to the purchase of all other properties.

right to purchase carries with it "The right to purchase carries with it the right to make such terms as can be agreed upon with the vender. The com-pany could say to the seiler that it would take the stock at the effered price, payable in one week or one month and it would be a valid transaction; and if a credit of one week or one month could be given. It could be extended at the will of the vender. The right to create a debt also carries with it the right to secure it by mortgage or otherwise in the absence of any statu-

tory restraint upon the corporation."

Justice Van Syckle says that while con Justice Van Syckle says that while con-ceding the purpose to reduce the capital stock by the plan of conversion he is unable to assent to the proposition of the complaint that it is preferential. The same opportunity, he says, is given to all to accept the offer, none is excluded, and the complainant who has declined the offer cannot say to the ninety-nine who have elected to accept it that they have been preferred. There has been no act of pref-grence on the part of the corporation, but postion occupied by the complainant

her own option, he sufficient answer to all these objec-s," the opinion holds, "is that the scheme tions," the opinion holds, "is that the scheme adorted is within purview of the Corporation act of 1896 and of the certificate of incorporation, of which the act in contemplation of law is part, and the complainant holds her shares subject thereto and to all the consequences which flow from it." Justice Van Syckle concludes the opinion with the following syllabus, setting forth the principles of law established by the

First - The act concerning corporations, and revised in act concerning corporations, and formed under it to retire shares of its preferred stock, purchased with bonds or the proceeds of bonds issued with that purpose, the provisions of sections 27 and 29 being complied with

Second The offer to purchase pro rata must be made to all stockholders. Third Such corporations have power to purchase and hold their own shares. Fourth Such purchase and retirement of preferred shares does not deprive the stock-holder who does not elect to sell any vested

they propose to retire, and failure to acquire that full number by purchase will not render the scheme abortive. It will be available to the extent that it can be carried out.

Sixth The supplement approved March 13, 1902, is a restraining and not an enlarging act, and its provisions must be observed to render the retirement of shares by purchase legal.

Seven It is a general act applying to al orporations, excepting none. It changes be mere form of accomplishing what the ct of 1896 authorized to be done and effects light. The manner in which a duly au-rized plan is to be carried through is parthe business of a corporation, and in sence of fraud or bad faith is not the sub seence of fraud or bad faith is not the subject judicial control to any greater extent an other business of the corporation. The ourt cannot substitute its judgment for that the directors and majority stockholders d say that a less expensive plan could be constitute of order. ccessfully adopted.

KILLED BY BURGLARS.

Merchant of Lexington, Ky., Shot and

His Son Wounded Three Times. LEXINGTON, Ky., Oct. 11.-Two burglars nurdered A. B. Chinn, a wealthy merchant of this city, at an early hour this morning as he sat up in bed answering their demands for money. Asa Chinn, his son, engaged in a battle with the robbers in the hall, and after he had emptied his revolver of its six charges the two men escaped.

Young Chinn Linself was seriously ounded. He received three of his assailants ullets. On e hit his left arm, one entered k and ranging forward shattered jawbone, and another struck the d of his nose and ploughed into the left eek. He thinks that he wounded one the robbers, but there was no trail of blood at the window by which the me

men in the city and had returned only a short time before the tragedy from the cotillon given in honor of Mr. and Mrs. James B. Haggin and their James B. Haggin and their guests, the Countess Festetics and Misses Lounsberry and McAfee of New York, all granddaugh-ters of Mr. Haggin. He had been asleep only a short time when the screams of his

er awoke him. heard the robbers in the adjoining room demanding money, and seizing a revolver and rifle started through a hallway to his parents' apartment. On hearing his approach the burglars fired once, the bullet striking the elder Chinn in the breast and penetrating the lungs. They then rushed into the hall through which alone they could escape, and shot young Chinn as they went. The police have made severa arrests on suspicion.

ANOTHER SCARSDALE HOLD-UP. Masked Robber Worked Oulekly at En trance to, "Fox Meadow."

WHITE PLAINS, Oct. 11.-The residents of Scarsdale were aroused to-day on learning that another hold-up had been perpe trated in that town late last night. The robbery took place on the New York Post road, opposite "Fox Meadow," the country seat of the late Charles Butler. Augustus Sleich of this village, was called to the Butler place on business. Returning he had barely reached the main road when a man jumped from behind a tree. He wore a long over-coal, a black slouch hat and hid his face behind a black mask with eye holes cut

Sleich says that the robber did not speak, but made a rush at him and caught him by the throat. They rolled over the ground, the throat. They rolled over the ground, the thief finally getting the best of Sleich, and taking \$4.65 out of one of his vest pockets. He then disappeared through the entrance of "Fox Meadow". Sleich, half-dazed, went home. He says he had a gold watch in his inside vest pocket, in which was also a wallet containing \$45.
Only a few weeks ago Station Acce. Very

Only a few weeks ago Station Agent Van Hoesen was held up, shot and robbed near the Scarsdale station. Then the station and Post Office was entered for the fourth time, and two residents were held up by masked men. The residents have formed a vigilance league and have offered a re-ward of \$1,000 for the robbers, and the postal authorities to-day supplemented it with an offer of \$250.

CAB BETWEEN BROADWAY CARS. Cabby Jumps, Fares Get onto Car Platform: Horse Is Shot.

Harry Hirsch of 419 East Twenty-second street, a hansom cab driver, was called by a man and a woman at a Broadway hotel last night and he started with them for Daly's Theatre. There was a crush of carriages in front of the theatre and Hirsch tried to cross the tracks of the southbound cars to swing into line.

A car hit his cab throwing it across the orthbound track directly another car. A second collision wedged the cab between the two cars.

When Hirsch saw the second car he umped and was unhurt. His fares were ot hurt, either, but the horse was so badly out that it had to be shot.

The man and the woman were assisted from the wrecked hansom to the platform of the car. They were considerably ex-cited. They went hurriedly into the theatre without telling the police who they were. Traffic was blocked for about fifteen minutes.

JUSTICE GAYNOR'S UNPAID TAXES Answer to the City's Suit Expected to Give Explanation.

Justice William J. Gaynor of the Suprem-Court, Brooklyn, who is being sued by the city for \$590.65 arrears of personal taxes, has not yet node answer to the complaint Justice Gaynor's unpaid taxes cover the years 1897, 1899 and 1900. In 1897 Justice Gaynor was assessed upon \$10,000 personal property. In 1898, the year of consolidation, there was no personal taxation in Brooklyn, but in 1899 Justice Gaynor's assessment was reduced to \$6,500, at which figure is has since remained. Since the 1900 assessment Justice Gaynor has paid his taxes. Martin Saxe, the Assistant Cor-poration Counsel in charge of the Bureau for the Collection of Arrears of Personal Taxes, said yesterday that he supposed Justice Gaynor had some reason for not paying the taxes for the years for which suit is brought, and that he anticipated the reason would be explained in the answer to the complaint.

LOW ON BRONX WATERFRONT The Mayor Inspects the Water Boundaries of the Northern Borough.

Mayor Low made a trip around The Bronx waterfront yesterday in a 50-foot naphtha launch, accompanied by Park Commissioner John E. Eustis, Tax Commissioner James L. Wells, John Amory, John Steedes and Albert E. Davis.
The trip was made for the purpose of acquainting the Mayor with the dock facilities of The Bronx waterfront. The

porations. addition to lesser projects,

and a waterfront street wherever possible

CONDUCTOR'S LEGS CUT OFF. Slipped on Platform and Fell Under Train -Died From His Injuries.

MONTCLAIR, Oct. 11 .- At Great Notch just above here on the Greenwood Lake Railroad, Frank Miller, a conductor of the passenger train from New York to-night. slipped and feli under the train and had both legs cut off. He was brought here to Mountainside Hospital, where he died soon after an operation. He leaves a widow and several children. His home was at Caldwell, N. J.

New Chaplain for the Ninth Regiment. Col. Morris of the Ninth Regiment has Fight. The provisions in the twenty-ninth section, that "certain shares" may be retired by pure-iast, means that in proceeding under the directors must declare how many shares made the directors must declare how many shares made to succeed the Rev. Medison C. Peters, resigned appointed the Rev. Richard M. Sherman

BUGS AND FUNGI IN PARK TREES WET WEATHER KEEPS THE PARK

ungus That Makes the Leaves Look Rusty, or Curl Up and Drop Off, Has Damaged Some of the Central Park Trees, but Their Guardians Are Active

BUG-HUNTERS BUSY.

"Owing to the extreme hygrometrical condition of the Central Park vegetation, to borrow the strained phraseology of the park entomologist's report, "parasitio fungi have very materially increased, and their destruction has occupied a great

deal of attention. In other speech, the almost uninterrupted rains of the past month have been giving the Park bug-killers something to think of besides the tussock-moths, the tentcaterpillars, the elm bugs and the thousand and one other species of insects that keep Dr. Southwick and his corps of sprayers and pruners and steel-brush wielders busy all the year round. There is some subtle quality in the metropolitan atmosphere or the cultivated soil that makes the Park flora less hardy, less capable of resisting their natural enemies, than the trees and shrubs of the wilder country, which flourish and die when their time comes, with never an entomologist to fight their battles for

There isn't a tree in all the park system of Manhattan but is scrutinized by trained eyes, season after season, and sprayed and pruned or treated in some approved scientific fashion, according to the particular kind of insect or parasite that is discovered preying on it. To the uninitiated the entomologists' quarterly report to the Park Board is an alarming document, calculated to bring him to the belief that a few years at the most must leave the Park a barren expanse of dead and rotted tree trunks and bare ground

But things are not in as desperate a way as the long list of formidable Latin names, each representing a destructive pest, and the accompanying catalogue of their ravages would lead one to suppose. There is a special remedy for each and no pains are spared in the application of it. elm beetle, which caused so much appre-hension a few seasons ago, has been almost entirely stamped out, and the eim borer, by the timely removal of larvæ affecting he trunks and branches, has been kep subjection.
There are two big gasolene power pumps

on duty, capable of soaking the topmost branches of affected trees with poisonous spray that is certain death to the aphids, scale-insects and the leaf-eating larve of the myriad species of destructive insects, Then, too, natural conditions sometimes come to the entomologist's aid, conditions of weather and natural enemies that are the sole defenders of uncared for forests. A little dry weather had now, for in-stance, would save the Park workers all their trouble about the parasitic fungi that Dr. Southwick is worrying about. Fungus develops in the wet weather on foliage and twigs, and especially where limbs have been cut off, leaving an unprotected scar On the leaves it shows itself in a rusty look which they take on, due to minute fungi breaking up the green portion of the leaf structure and causing it to turn brown or curl up and drop off.

This is not a dangerous disease except for

the possibility of the spores being carried over for growth next season, and it is to prevent this that the Park workers have been kept busy. It is on the limb scars that the fungus gets in its really destructive work. This is the fruiting season for fungus, and there are to be seen wherever trees have been affected large white "fruiting caps." very much like mushroom

f the fungus has penetrated the interior of the tree, breaking up its structure and causing decay which, it unchecked, would entually mean the death of the tree Many of the fine elms along the Mall are so affected. These trees have been the cause of much concern to the ento-mologists and foresters of the Park, and their noticeably poor condition has given doomed and will have to be cut down. The Park Board has had experts studying their condition for some time, with a to learning exactly what is wrong. enort is not in yet, but there is every reason o believe that some cure will be found.

MISSING STRONG BOX FOUND. It Belonged to Senator Lanyon-Loss Cost Him a Renomination.

NEW HAVEN, Oct. 11.- Under the rear eps of Constable Waiter Daley's house in Cheshire this morning was found the strong box containing \$12,000 in securities, \$400 in cash and a gold watch belonging to State Senator James R. Lanyon which had been mysteriously taken from the vault in the town hall there.

The box and its contents were last seen

in the vault on Tuesday. Yesterday when Senator Lanvon went to get some cash from the box it was missing. When found to-day the contents were all there. No one knows who removed the box Senator Lanyon was a candidate for re-nomination at the Sixth Senatorial district convention here yesterday. Just as he was about to take the train in Cheshire he found that his strong box was not in the town

vault. He decided not to go to the convention. His chances for renomination were good. He was defeated, after seven ballots had been taken, by the Rev. Mr. Page of North Branford. Senator Lanyon's Republican friends said to-day that if he had been at the convention he would have been renominated. It was also said that some one who did not want him renominated removed the box, know-ing that the Senator would remain in Cheshire to search for it. The New Haven police think it was a joke to defeat Lanyon. He is Town Clerk of Cheshire.

Albert G. Hyde, president of the firm of A. G. Hyde & Sons, wholesale dealers in cotton goods at 361 Broadway, died at the Plaza Hotel vesterday after an illness of two years. He was born in Grand Isle, Vt. in 1825 and was educated there. When a young man he engaged in the dry goods business in Plattsburg, N. Y. but moved to Albany and later to this city, where he had been in business for more than fifty years. He was senior partner in the firm of A. G. Hyde & Co., dealers in woollens, which later became Hyde, Ayres & Co., In 1874 he retired, but resumed in 1898 with the firm of Hyde & Sons, and was incorporated with Mr. Hyde as president in January last. He was a member of the Union League, the Larchmont Yacht and the Merchants Clubs. Two sons and a daughter survive him.

Mrs. Mary A. Mitchell, a sister of Archbishop Farley, died on Friday in her sixty-seventh year at her home, 245 Marcy avenue, Williamsburg. She was born in Ireland and in 1856 married John J. Mitchell. Both came to America, where Mr. Mitchell and with apoplexy on Thursday while preparing to go out. She never railied. She is survived by a son and daughter, Joseph Mitchell and Mrs. Samuel Mathews. The funeral will take place to-merrow from the Church of the Transfiguration, at Marcy avenue and Hooper street, Williamsburg.

Julius Davenport, head of the real estate firm of J. Davenport & Son of Brooklyn, died on Friday at his home, 142 Lafayette avenue, in his eighty-second year. He claimed descent from Oranius De Davenport, who was born in England twenty years after the Norman conquest, and one of his ancestors was the Rev. Joen Drivenport, who died in London, England, on Wednesday, was a member of the stanen members of the Clinton Avenue Congregational Church.

William F. Ford, who died in London, England, on Wednesday, was a member of the Brooklyn and Baltusrol clubs and the Minufacturers' Association. The body is on its

and the Minufacturers associated in the St. body is on its way to this country on the St. Louis, accompanied by Mrs. Ford and her

EDITOR STUDIES NEW YORK SOLDIERS FOR NEW ORLEANS. Through the Spectacles of Farrell, De Lacy,

TROOPS FROM THE COUNTRY

SENT TO THAT CITY.

Gov. Heard Issues a Proclamation Order-

ing Rioting to Cease and Takes Steps

to Protect the Street Car Company's

Property and Non-Union Employees.

NEW ORLEANS, Oct. 11 .- The street car

strike in this city has reached a critical

stage. Up to to-day the strikers have

been domineering in their demands, turn-

ing down abruptly the various propositions

of compromise made to them by the rail-

way company, the committee of retail

The unanimous refusal by the men of

the terms that Gov. Heard offered them,

on the authority of the company, 20 cents

an hour for ten hours a day and an equali-

zation of hours, has satisfied the Governor

that there is no hope for a peaceable settle-ment of the differences. He accordingly issued this morning a proclamation order-ing the dispersal of all mobs and riotous

gatherings and announcing his intention by firm and vigorous means to reestablish order and tranquillity and the supremacy

Orders were issued to Adjutant-General

Jumel to at once take steps to concentrate in New Orleans such available militia companies from the country as might be needed for the preservation of peace. The country militia began arriving this morning, when the Oraclean Grands and Felicians.

when the Opelousas Guards and Feliciana Rifles reached town. When all the troops ordered here have arrived, it is estimated

that there will be 2,200 of the regular militia

WHALING VESSEL BURNED.

Hudson Bay in July Last.

NEW BEDFORD, Mass Oct. 11 .- The little

whaling schooner Era, Capt. Comer, ar-

rived in port yesterday from a two years'

stay in Hudson Bay. On board were part

of the crew of the whaling schooner Francis

Allyn of this port, which was burned in

Hudson Bay, near Cape Fullerton, on July

15, of this year. Mr. Hanbury, the ex-

plorer, spent a part of the winter on the

Allyn.
On July 13 the Allyn came out of winter

quarters at Depot Island. All of the crew except four men were floe whaling. There

seven dogs on board her.
On July 15 one of the crew went into the

forecastle to dry his clothing and soon after he came out the vessel was discovered

to be afire. The crew and natives took

the boats and made a journey of 400 miles to the south, where they were picked up

by the Active and transferred to the Era

Subsequently the floe men reached the

20 degrees below zero. A blizzard came up and the men wandered through the

night. Four searching parties were sent out, and the men were found and brought back to the vessel. One of the men, Joseph

Connell, died soon after reaching the schooner. Mate Hoxie and two men, King and Connell, deserted in June. They went, it is presumed, to Port Churchill, a Hudson Bay station 400 miles to the south.

Word has been received since that they reached Winnipeg.

Tillerman Flung Off Truck at a Corner

-Firemen Had Protested.

Patrick J. Quail, a fireman attached to

asphalt, with a difference in level of

SHUBERTS LEASE NEW LYRIC.

De Koven's Operas to Have Their First

Production There.

The Lyric theatre, the new theatre which

named will be produced when the theatre

is opened next October. Mr. De Koven has agreed that hereafter any opera he

Magazines Will Come Out on Time

offer of the Philadelphia Typothetæ to

assist them in getting out next month's

counsel to the Typotheræ, said yesterday that the places of the striking workmen were being rapidly filled.

The Weather.

The storm which came in from the Gulf of Mexico on Friday has developed all the characteristics of the tropical hurricane, except the great wind

force attending these storms. The winds we

high yesterday all along the coast from Hatteras

south to Florida and increasing in force and spread

ing northward. On the Middle Atlantic coast they were blowing from the northeast, and on the South

Atlantic coast from the south and southwes

The storm centre, which was over Georgia, was well defined and moving northeastward. Heavy

rains of from one to three inches fell over Ala-bama, Georgia, Tennessee and South Carolina and lighter rains were falling in the lower Mississippi

rains are likely to be heavy in the latter section

and the wind will become higher on the Middle

There was a second but moderate depression over

West of the Mississippi River the weather wa

generally fair yesterday, with only a local shower

It was slightly warmer in nearly all district

the upper lakes moving eastward, which will probably be drawn into the larger storm.

writes will be first produced at the theatre

Capt. Santos of the Allyn reports that

vember last two men went out on the

for exercise. The thermometer was

eight native families and twenty-

The Francis Allyn of New Bedford Lost

of the law

merchants, the Mayor and the Governor.

Scannell and Marks. There was a dinner party at the Hoffman House last night at which Frank Farrell, who says he is not the poolroom king; Peter De Lacy, who has never denied that he is in the poolroom business; former Fire Commissioner Scannell and his friend William L. Marks, entertained Thomas P. Fielders, editor of the Pall Mall Gazette. Between courses the hosts told Mr. Fielders all they know about New York and its industries.

TO RE-CONTEST ROGERS WILL

Mrs. Heinisch, a Haif Sister, Says Release

Was Obtained by Fraud. Mrs. Virginia Heinisch of Irvington, N.J. half sister to the late Jacob S. Rogers, the wealthy locomotive manufacturer of Paterson, has begun suit in the Court of Chancery of New Jersey to have set aside the probate of the will which disposed of nearly \$6,000,000, the bulk of which went to the Metropolitan Museum of Art. Her counsel is Lambert A. Stewart and the legal representatives of the executors of the will are Lindabury, Depue and Faulks, who made application yesterday to have a day set for the trial of the suit. Jan. 15, 1902, was set by Vice-Chancellor Stevens. The will was probated on Sept. 23 1901, by Chancellor Magie sitting as ordinary

in the Prerogative Court.

In her bill Mrs. Heinisch charges that deception was used in persuading her to give the release which she and other heirs signed. On account of this alleged fraud she contends that the Prerogative Court proceedings were illegal and, consequently, void. She charges her former counsel with de eption in not properly enlightening her as to the purport of the release which she was induced t sign.

A complete denial of fraud or deception

a complete definal of traud of deception is made by Lindabury, Depue & Faulks on behalf of the executors and all the other heirs. They want to show that the probate of the will by Chancellor Magie took place, notwithstanding the objection of counsel, and that neither her former counsel, whom she now charges with deception, nor any other counsel for the caveators, consented withdrew the objection to the probate f the will, Chancellor Magie having taken the matter in his own hands when counsel failed to furnish proof of the existence of an alleged contract which the blood relatives of the testator said had been in existence of the testator said had been in existence for years, and which required each and all of them to leave to heirs such money as each might die possessed of. The answer also denies that there was any collusion between her former counsel and the counsel of the blood heirs or the Metropolitian Museum of Art Museum of Art.

THE WOMEN IN THE GARDEN.

Bostonians Go Unshocked Through Venice -Dark Winners Were Bright Last Night.

Rain diminished the attendance yesterday at the Madison Square Garden, but last night the two gigantic black guards at the entrance were kept busy distributing carriage checks. They were not the only ones of their race in the Garden who were busy.

The booth occupied by the negro women who represent the South in the United States exhibit never shouted their coon songs more vociferously at any time during the week. They had won the contest of the national booths by a majority of 3,000 The reward of their popularity was \$100 this among them were joyous last night and didn't mind showing it. Chinese women and the baby came

next. The pie-making housewives who epresent the Northern States of the coun-A party of 1,600 excursionists from Boston visited the fair last night and they said that they didn't mind the streets of

Venice a bit.

Letters have been sent to 1,500 millionaires asking them to come to the Garden on Thursday and inspect a Turkish rug valued at \$25,000. If one them bought it, the league is to get \$5,000. Lillian Russell has promised to show the rug to the gen-

SOUTHWARK IN 3 DAYS LATE Feed Pump Broke Down on Sept. 30

Not Under Control for 12 Hours. The steamer Southwark of the American Line, from Southampton, Sept. 28, which has been causing her agents some anxiety, arrived last night, three days overdue She reached her Jersey City pier at 9 o'clock. Capt. John Dann would have nothing to say about the delay, but the engineer laid it to a breakdown of the feed pump. J. E. Shoemaker, one of the passengers, said: "The accident occurred on Sept. 30 at o'clock. The engine room was choked by steam, the third engineer was badly scalded on both hands and it was necessary to quit the engine rooms and draw the fires. There was not much of an explos-ion. For twelve hours the signal 'not

inder control was up. After the accident, one day the Southwark made 128 miles; at another time she made five miles in wo hours."
Some of the saloon passengers sent some of the saloon passengers sent to the newspapers a statement that in their opirion the machinery was not in proper condition when the ship sailed. They adopted resolutions to that effect which also thanked the officers and crew for

DAUGHTER LOST AND FOUND. Mrs. Guy Lost Her Child at Madison Square and Found H r at Home.

courtesy and skilful management.

Mrs. Charles L. Guy, the wife of former senator Guy, got off a Broadway car at Twenty-third street at 6 o'clock last night with her two children. In the crowd she missed her ten-year-old daughter. She followed a girl about her daughter's size across the street, but found that in the dusk she had been mistaken and that it wasn't her daughter. Then she went to the Tenderloin station

to ask the police if they had found her daughter. They hadn't. Mrs. Guy hurried back to Twenty-third street, after having spent more than half an hour in making futile inquiries. She decided to telephone to her husband at their home at 67 Convent avenue. Her daughter's voice answered the call.
"I'm home, mamma," said the girl von't you hurry home and get supper

DECREASE OF EXPORTS.

A Falling Off of \$118,008,294 for 9 Months Ended Sept. 30, as Compared With 1901. WASHINGTON, Oct. 11 .- The four principal articles of export for the nine months

at the temperature was still below freezing point ended Sept. 30 show a net falling off of \$118,868,294, compared with those of the same period of the previous fiscal year. Breadstuffs are chargeable with \$82,787,621 in the morning in northern New York, Vermon and North Dakota Folder weather, with freezing temperatures, will most likely spread over the northern section of the country between Montana and the Atlantic of the loss, provisions with \$19.390,288, cotton with \$2.349,677 and mineral oils with in this city yesterday it was foggy and cloudy \$3,923,505. rain beginning about noon and continuing with winds increasing in force on the coast from the \$3,923,995.

For the month of September the value of exports increased \$7.865.998, of which cotton northeast and the fog thickening, average humidity,

furnished \$13,432,004 and breadstuff. \$1.538.-003, compared with the same month of last year, while provisions fell off \$5,220,255 and 92 per cent.; barometer, corrected to read to see level, at 8 A. M., 30.13; 3 P. M., 29.88 and falling rap mineral oils \$1.881,285. The temperature yesterday, as recorded by Columbia Fellowship for a Woman. Mrs. Herbert Parsons, Miss Elizabeth seacu table:

-Officia' - Sun's -Official - Sun's 1902, 1901, 1902 1902, 1901, 1902 1903, 19 Billings and the New York city chapter of the Daughters of the American Revolution have given \$650 to Columbia University for the purpose of establishing a fellowship in American history for the VARHINGTON PORECART FOR TO DAY AND TO MORROW academic year 1902-03. The sole provision of the gift is that the fellowship shall be For eastern New York, New Jersey, castern Pennsylvania and Delaware, rain to day; brisk to high shifting winds, becoming north fair to morrow.

For the District of Columbia and Maryland, rain to day, followed by clearing to morrow; fair, held by a woman. JOTTINGS ABOUT TOWN. brisk north winds.

The regular service of the Stonington Line

Atlantic coast.

scattered here and there.

northeast to north winds; fair to morrow, except rain in castern Maine. For western New York, rain and cooler to day: ers will be resumed beginning Monday with the steamers Maine and New Hampshire in commis-sion. The service of steamers between New York and Providence has been discontinued. winds becoming north and brisk; fair to-morrow.

Ale Drinking and The Growth of Wisdom.

As we all grow wiser we are more and more apt to escape the control of tradition and custom and to inquire into the reason of things—and this more particularly in all matters pertaining to comfort and well-being in life. To merely state that

Evans' Ale Is Better

for American needs and American taste than any other would be absolutely true; but it might not be convincing to the thoughtful. There is reason for the statement.

A Comparison.

Bass' Ale is never bottled by its brewers, but is sold in bulk to independent bottlers, who affix to the bottles their own distinguishing labels but the ale is one and the same.

Evans' Ale is bottled by its makers at the brewery by experts who

know precisely when and how to handle it, and this is the result: Bull Dog" Bass. . . 1.80 " (Bottled at the brewery-that's way.

Rottlers must have their profit and it comes out of your pocket

Brewed for Past 116 Years By C. H. Evans & Sons, Hudson, N. Y.
New York City Depot. 127 Hudson St.

IN SOCIETY.

Some of the American girls who have gone to Italy and become engaged find just as they are about to marry that a birth certificate is absolutely necessary. Miss Alice Walker, whose marriage with Dr. Rocchi is soon to take place in Florence, is trying to stir her relatives here into activity o secure such a document. Miss Walker and her mother lived in Washington for several seasons before they went to Europe a couple of years ago. Mrs. Walker is a niece of the late Mrs. Edwin A. Stevens of Hoboken and received a legacy from her. Mrs. Walker and Miss Walker have passed most of their time while abroad in italy. The en a ement of Miss Walker to Dr. Rocchi was announced soon after they went over. Then it was broken off and afterward renewed. Now when they are about to be married the bride's birth certificate obstacle looms up. When all this is finally settled the young couple will ive in Lucca.

Mr. and Mrs. John H. Davis, the latter ormerly Miss Ada Theresa Slevwright, who are on the point of returning to this country, will do some entertaining this season. The present and fifth Mrs. Davis has the distinction of being the first to be wedded in a London church. If Mr. and Mrs. Davis give some dinners and dances it will be a second new departure, as the functions given by Mr. Davis for his only daughter, now the Marchioness of Dufferin, several years since, were during a period of wid-owerhood. All of the previous wives of Mr. Davis have been singularly alike in tastes. It is said that even the chairs and sofas in the old-fashioned commodious house at 24 Washington Square North retain their original places. Possibly Mr. Davis, like Mrs. Astor, had photographs BAD PAVEMENT KILLS FIREMAN. taken after they were once satisfactorily arranged and gave orders to have them stay put

Truck 18, was thrown to the ground while Mr. Davis is gallant to his women ac responding to a fire yesterday morning quaintances on a wholesale scale. He is and was so seriously injured that he died in Gouverneur Hospital. The accident happened at Attorney and Delancey streets, a short distance from the truck house. The pavement along Attorney street said to have sent out as many as fifteen bouquets a day-at times when he was a widower, of course—each at a cost of \$50. Not long ago there was a bit of trouble has been partially torn up for some time because a conflict between the company grading the street and the asphalt com-pany stopped work. One half of the road-way is payed with blocks and the remainder because the inside cards on two of these plooming tokens became mixed at the florist's, and two of his fair friends became norists, and two of his fair friends became aware that floral offerings had been sent simultaneously to rivals. One of the stories told about Mr. Davis when he was supposed to be engaged to Miss Celeste The firemen say they have protested.

Quail was the tillerman of the truck.

As it swung around the corner into Del-Stauffer of New Orleans, so well-known for her beauty and cleverness, was that be had the box he had engaged at a cheatre lancey steet, going west, he was knocked off and when his companions picked him one night refitted, to make it acceptable to her. An Oriental rug was thrown on the floor, gilded easy chairs were provided up he was unconscious with a broken skull. He was unmarried, lived at 67 Pires. He was unmarried, lived at 67 Pitt street and had served in the department for four and flowers and garlands enough were put in to convert the box into a bower.

J. W. Kelly, the sculptor, who is so rushed with work as scarcely to have leisure for his meals, has taken enough time off to do a little courting and become engaged. In consequence of this pleasant state of affairs Reginald De Koven is to build next to the he and some of the other artists in the Belasco Theatre in West Forty-second street, has been leased by Shubert Brothers for twenty-one years. An opera which Mr. De Koven has written but not in the form of teas. Mr. Kelly is working studios of the Young Men's Christian Assoin the form of teas. Mr. Kelly is working on a bronze statue of Gen. Fitz-John Porter, which is 9 feet high. It will go to Portsmouth, N. H. Mr. Kelly will get 18,000 for it. Mr. Kelly's particular chum is Father Craft, who now preaches at his own desire in a little Catholic Church in Stroudsburg. The Typothetæ yesterday declined the burg, Pa. Father Craft gave up a fortune of \$2,000,000 to become a priest. During the recent Spanish war he served as chapmagazines. The magazines, it was announced, would be out on schedule time without any outside assistance, even if the striking union pressmen and press feeders did not return to work. H. V. Boyer,

Many maids and matrons in society have their theatre books. These have program mes in them, photos of the actors and in some cases comments on the dramas witnessed. With this craze well on it is not wongerful that a restaurant in the heart of the city has come into sudden vogue with fashionable folks. The cooking is nice and homelike, and the proprietor has the greatest collection of playbills in town, which he has been making for half a century.

Julian Day gave his bachelor dinner last night at Delmonico's. His guests included Charles W. McKelvey, T. Markoe Robert son, F. Gorden Browne, Jr., George P Chittenden, William P. Clyde, Jr., and Hugh Auchincloss of this city, Joseph E. Davis of Davis, W. Va.; Leonard M. Thomas and Walter B. Howe of Washington, who and Ohlo valleys, the lower Lake section, the Middle Atlantic and lower New England States. The are to be best man and usher s at his coming wedding with Miss Curtis. The ushers are Yale classmates of Mr. Day. Prior to his dinner yesterday Mr. Day assisted his prother, George Parmly Day, at his marriage with Miss Wilhelmina Johnson, in the Chapel of Holy Innocents at Burlington, N. J. Julian Day's day of days will be next Saturday, Oct. 18, when his wedding with Miss Isabelia Woodbridge Curtis will take place. There is the hair splitting as to the arrangements for this event customary now when the bride's family is in mourning. now when the bride's taminy is in mourning. Undoubtedly there will be a crowd in Christ Church at Rye, N. Y., to witness the ceremony, and there will be the usual number of attendants. Yr. and Mrs. Charles B. Curtis, the brides parents, however, will not give a general reception afterward. They will simply entertain at their country house relatives and intimate friends. The bride will wear a superb white satin gowr or ide will wear a superb white satin gown, trimmed with old point lace, worn already on similar occasions, by three generations of brides in the family. The bridesmaids will be attired in pearl gray veiling trimmed with geranium pink panne, and gray velve hats, trimmed with geraniums and panne.

> There is a deal of chatter now in one society set as to a couple who have lived for a number of years in East Forty-seventh street. The wife has for a long time been addicted to the morphine habit, so that the husband, very domestic in his tastes, has had much discomfort in his own home.
>
> There are no children. A few months ago a woman friend of the wife came to pay a a woman trend of the who came to pay a long visit and has gradually superseded her in the husband's affections. Indeed she has carried matters with a high hand until she finally objected to the w fareceiving any attention from the servants of the es-tablishment. Now the wife is about to

depart with friends for St. Louis and will make her home with them

Mr. and Mrs. Charles Dana Gibson, who were in London for a part of the summer, and who were members of James Henry Smith's yachting party on Arthony J. Drexel's Margherita, were at some of the theatres last week. Mr. Sm thas also returned to town, and may be relied upon for dinners, theatre parties and suppers by his fair friends. It is some years since Mrs. Gibson, then Miss Irene Langhorne, was first heard of as a Southern beauty. Since then two of her sisters have married wealthy young men—R bert Shaw of Boston and Reginald Brooks, son of Mr. and Mrs. Henry Mortimer Brooks. Mr. and Mrs. Brooks are now at their Westbury, L. I., cottage. The three sisters are great horseback riders. Mrs. Brooks has not participated discountered. back riders. Mrs. Brooks has not partici-pated in any of the hunt runs of late at Hempstead. Mr. Brooks has, however. Miss Maud Livingston has of late come in for her share of the hunting honors and more and has had as good a mount in My Browa Boy as ever was possessed by Mrs. Adolph Ladenhurg.

Miss Maud Livingston, as everybody remembers, was the flancée of poor Willie Tiffany, who lost his life as the effect of hardship during the Spanish war. This recalls that Mr. and Mrs. Belmont Tiffany and the Misses Cameron were not at the Turnure-Peil nuptials on Wednesday afternoon, though Mrs. Duncan Cameron is the noon, though Mrc. Duncan Cameron is the bridegroom's sister. As the first really pretentious wedding of a divorcée in an Episcopal church it was a notiable event. There were floral decorations and a full choral service. On the bride's corsage was pinned a diamond half moon, presented by the bridegroom.

Lieutenant and Mrs. Harrison Hall, who are passing their honeymoon in the South. will be for some time to come at Newport. as the Lieutenant's new orders are for Fort Adams. He was graduated from Princeton, class of '98, and has since been Princeton, class of '98, and has since been to Manila and in China. There was a great showing of brand-new uniforms, gold lace and buttons at the wedding last Wednesday afternoon at the home of the bride's father, Gen. Rodgers, at Fort Hamilton. The bride looked very pretty, and so did her maid of honor in a gown of shaded pink chiffon. In the big collection of presents were many curious and valuable articles. were many curious and valuable from friends in the navy. the navy officers are great collectors of

Mr. and Mrs. Daniel O'Day, Jr., are now about closing their Allenhurst establishment, on which \$1,000,000 has been spent. They will sail on Wednesday for Europe and will travel during the next six months, chiefly in Spain.

Mr. and Mrs. Vernon H. Brown of 95 Madison avenue gave a dinner last night for their niece, Miss Cornelia Walton Martin, daughter of Mrs. Charles Martin, and her fiance, Lefferts Suydam Hoffman Mr. Hoffman is a son of the late James Farquhar Hoffman and a grandson of Martin and Mary Seaton Hoffman. The wedding will take place next Tuesday in Grace chantry

Capt. and Mrs. Moreton Gage, née Strong, will sail this week on the Teutonic. They will remain for a fortnight in England. before starting for Natal, in South Africa. where Capt. Gage's regiment, the Seventh Dragoon Guards, is stationed. He is related to the Gladstone and Berkeley families of England and is a cousin of Viscount Gage of Castle Island. County Kerry, Ire-land. His bride has been much in England for several years with an aunt. Last summer her mother, Mrs. William Everard Strong, had a house in 10 Great Cumberland place, Hyde Park, London, for the coro-

Announcement was made vesterday of the engagement of Miss Angela Anderson, daughter of the late Mrs. Edward H. Anderson, to Arnold Warneken of London. Owing to the recent death of Mrs. Anderson, the wedding will be quietly celebrated at the bride's home, 181 East Fifty-seventh street, on Thursday, Oct. 16.

Formal announcement has been made of the engagement of Miss Rosita Dorrington McCoy, only daughter of Mr. and Mrs. Frank McCoy, of 45 West Thirty-fifth street, to Harry Leslie Greene, son of Forrest Greene of Providence.

CAPT. W. H. PASCOE DEAD. Superintended Sinking of First Shaft to Blow Up Hell Gate.

Capt. William H. Pascoe, who superinended the sinking of the first shaft at Hel Gate, under the direction of Gen. John Newton, when the Government began the work of clearing the dangerous reefs out of these waters, died at the home of his daughter. waters, died at the home of his daughter, Mrs. W. H. Thompson, at 209 Grand street, Astoria, from heart disease on Friday afternoon. Capt. Pascoe was 74 years old and had engaged in mining for more than fifty years. He was considered an expert in his line of work. He leaves one son, William E. Pascoe, who is engaged in silver mining. in Colorado, and two daughters, Mrs. Thompson and Mrs. J. H. Smyth

WAIF OF WOUNDED KNEE FIGHT. Indian Girl Adopted by Capt. Natior Has

Been Studying in Europe. Of the passengers on the steamship St. Paul which got in yesterday the most St. Paul which got in yesterday the most interesting to the voyagers was a full-blooded American Indian girl, the adopted daughter of Capt. Allison Nailor, a retired army officer who lives in Washington. The girl, then a papoose, was picked up on Wounded Knee battlefield, after the fight. The girl, who is now 16 years old. Capt. Nailor and Mrs. Nailor have been abroad giving the girl an education. abroad giving the girl an education.

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